

Karin M. Gunter, Esquire
PA Id No. 79852
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(215) 548-9992

ATTORNEY FOR PLAINTIFF,
MARTHA STEELE

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

MARTHA STEELE,
Plaintiff

v.

HCI DIRECT,

Defendant.

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Civil Action No. 02-cv-4347

**PLAINTIFF'S RESPONSE IN OPPOSITION TO
DEFENDANT'S MOTION FOR LEAVE TO FILE A REPLY BRIEF
IN SUPPORT OF ITS MOTION TO DISMISS**

Plaintiff, Martha Steele, by and through her undersigned counsel, Karin M. Gunter, Esquire, respectfully request this Honorable Court DENY Defendant's Motion for Leave to File a Reply Brief on the following grounds:

1. Plaintiff provided objective exhibits to support factual basis of her Response in Opposition to Defendant's Motion to Dismiss ("Response").
2. Plaintiff's Response focused on findings of good cause, actual notice, excusable neglect and justifiable reliance in analyzing the legal standards for determining failure to timely

serve process pursuant to Fed. R. Civ. P. 4 and 12(b)(5).

3. Plaintiff, through her undersigned counsel, called directory assistance to obtain a correct address for Defendant.

4. Defendant continues to list 3050 Tilman and 3369 Progress Drives, Bensalem, PA as places of business, even though the Progress Drive location has closed.

5. Plaintiff justifiably relied upon Defendant's listing of its place of business for service of process of her Amended Complaint.

6. Defendant, by and through its counsel of record in this matter, had actual notice of the underlying action via the Amended Complaint on July 23, 2003.

7. Upon information and belief, Defendant had actual notice of the Original Complaint.

8. This Honorable Court is well equipped, based on the current pleadings in this matter, to determine whether Plaintiff or Defendant misstates legal and factual bases or makes erroneous legal and factual contentions for their positions.

9. Since the Defendant cites unreasonable and inexcusable delay in the administration of this lawsuit, filing supplemental briefs in light of current pleadings only serves to further delay this action.

WHEREFORE, Plaintiff respectfully requests this Honorable Court DENY Defendant's Motion for Leave to File a Reply Brief to Its Motion to Dismiss.

Respectfully submitted,

KARIN M. GUNTER ATTORNEY AT LAW

/s/ Karin M. Gunter, Esq.
Karin M. Gunter, Esquire
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7323 N. 21st Street
Philadelphia, PA 19138-2107
(215) 548-9992

Date: September 29, 2003

CERTIFICATION OF SERVICE

I do hereby certify that service of a true and correct copy of the within Plaintiff's Response in Opposition to Defendant's Motion for Leave to File a Reply Brief to its Motion to Dismiss was made on the 29th day of September, 2003 to below named counsel for Defendant via first class U.S. mail, postage pre-paid:

Joseph J. Centeno, Esquire
Obermayer Rebmann Maxwell & Hippell LLP
1617 John F. Kennedy Boulevard
One Penn Center, 19th Floor
Philadelphia, Pennsylvania 19103-1895

/s/ Karin M. Gunter, Esq. _____
KARIN M. GUNTER, ESQUIRE

Date: September 29, 2003

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ORDER

AND NOW, this day of , 2003, upon consideration of
Defendant's Motion for Leave to File a Reply Brief to Its Motion to Dismiss and Plaintiff's
Response in Opposition to Defendant's Motion for Leave, it is hereby ORDERED that
Defendant's Motion is DENIED.

BY THE COURT:

BRUCE W. KAUFFMAN, J.